



**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**Tentative Notice of Action**

*Promoting the wise use of land  
Helping build great communities*

<b>MEETING DATE</b> October 21, 2005 <b>LOCAL EFFECTIVE DATE</b> November 4, 2005 <b>APPROX FINAL EFFECTIVE DATE</b> November 25, 2005	<b>CONTACT/PHONE</b> Murry Wilson, Planner (805) 788-2352	<b>APPLICANT</b> Roy Nielsen and Winnie Mitchell	<b>FILE NO.</b> DRC2004-00259
<b>SUBJECT</b> Request by Roy Nielsen and Winnie Mitchell for a Minor Use Permit/Coastal Development Permit to allow an addition of 884 sq. ft. of living area, an 884 sq. ft. garage to an existing single family residence, and an interior remodel of the existing residence. The project will include on-site planting of 18 Coast Live Oak trees and 5 Monterey Pine trees to replace the impacted and removed trees associated with this development. The project will result in the disturbance of approximately 5,000 sq. ft. on a 10,500 sq. ft. parcel. The proposed project is within the Residential Single Family land use category and is located at 2005 Avon Avenue in the community of Cambria. The site is in the North Coast planning area.			
<b>RECOMMENDED ACTION</b> Approve Minor Use Permit/Coastal Development Permit DRC2004-00259 based on the findings listed in Exhibit A and the conditions listed in Exhibit B.			
<b>ENVIRONMENTAL DETERMINATION</b> A Class 1 Categorical Exemption was issued (pursuant to CEQA Guidelines Section 15301) on September 22, 2005.			
<b>LAND USE CATEGORY</b> Residential Single Family	<b>COMBINING DESIGNATION</b> Terrestrial Habitat, Local Coastal Plan, Archaeological Study Area	<b>ASSESSOR PARCEL NUMBER</b> 023-107-028	<b>SUPERVISOR DISTRICT(S)</b> 2
<b>PLANNING AREA STANDARDS:</b> Setbacks, Height, Footprint and Gross Structural Area Limitations <i>Does the project meet applicable Planning Area Standards: Yes - see discussion</i>			
<b>LAND USE ORDINANCE STANDARDS:</b> Local Coastal Plan, Archaeological Study Area and Terrestrial Habitat <i>Does the project conform to the Land Use Ordinance Standards: Yes - see discussion</i>			
<b>FINAL ACTION</b> This tentative decision will become the final action on the project, unless the tentative decision is changed as a result of information obtained at the administrative hearing or is appealed to the County Board of Supervisors pursuant Section 23.01.042 of the Coastal Zone Land Use Ordinance; effective on the 10th working day after the receipt of the final action by the California Coastal Commission. The tentative decision will be transferred to the Coastal Commission following the required 14-calendar day local appeal period after the administrative hearing.  The applicant is encouraged to call the Central Coast District Office of the Coastal Commission in Santa Cruz at (831) 427-4863 to verify the date of final action. The County will not issue any construction permits prior to the end of the Coastal Commission process.			
<small>ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING &amp; BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242</small>			

EXISTING USES: Single Family Residence	
SURROUNDING LAND USE CATEGORIES AND USES: <i>North:</i> Residential Single Family / Residence <i>South:</i> Residential Single Family / Residence <i>East:</i> Residential Single Family / Vacant <i>West:</i> Residential Single Family / Residence	
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: The project was referred to: North Coast Advisory Council, Public Works, Cambria Community Services District, and the California Coastal Commission.	
TOPOGRAPHY: Moderately sloping	VEGETATION: Grasses, forbs, ornamentals, Monterey Pines and Coast Live Oak trees
PROPOSED SERVICES: Water supply: CCSD Sewage Disposal: CCSD Fire Protection: Cambria Fire	ACCEPTANCE DATE: September 2, 2005

PLANNING AREA STANDARDS:

Lot Size: 10,500 square feet

Triple, Forested

Oversized lot adjustment: 2.0

Slope: approx 10-15 percent

Number of trees to be removed: 6

Base: 1,200 sq ft footprint, 2,400 sq ft GSA

PROJECT REVIEW	ALLOWABLE	PROPOSED	STATUS
FOOTPRINT (SQUARE FEET)	1,200 x 2.0 = 2,400	2,392	OK
GSA (SQUARE FEET)	2,400 x 2.0 = 4,800	3,676	OK
DECKS (SQUARE FEET)			
PERVIOUS	720	458	OK
IMPERVIOUS	240	0	OK
HEIGHT (FEET)	28	23'-3"	OK
SETBACKS (FEET)			
FRONT	10' or 15' (front and rear to total 25')	20'	OK
REAR	10' or 15' (front and rear to total 25')	16'	OK
SIDE	5'	7' and 21'	OK
STREET SIDE	10'	N/A	OK

LAND USE ORDINANCE STANDARDS:

The project site is located within the California Coastal Zone as determined by the California Coastal Act of 1976 and is subject to the provisions of the Local Coastal Plan.

Terrestrial Habitat - Vegetation that is rare or endangered, or that serves, as habitat for rare or endangered species shall be protected. Development has been sited to minimize disruption of the habitat and native plants to the greatest extent feasible. A total of 2 Monterey Pines and 4 Coast Live Oak trees will be removed with the development of this project.

Archaeological Study Area - A preliminary site survey was conducted for the project site by Parker and Associates. The survey found no potentially significant cultural resources are present on the project site. From these results, no further mitigation is required.

COASTAL PLAN POLICIES: This project is in compliance with the Coastal Plan Policies; the most relevant policies are discussed below.

**Public Works:**

*Policy 1: Availability of Service Capacity applies to the project. A will serve letter from Cambria Community Services District will be required prior to issuance of construction permits. The property is currently served with water and sewer and the applicant has secured a preliminary confirmation of service for the proposed project*

**Coastal Watersheds:**

*Policy 7: Siting of new development: The proposed project is consistent with this policy because the new residence will be located on an existing lot of record in the Residential Single Family category on slopes of less than 20 percent.*

*Policy 8: Timing of new construction: The proposed project is consistent with this policy because if grading is to occur or left unfinished between October 15 through April 15 the project will be required to have an erosion and sedimentation control plan and all sedimentation and erosion control measures will be in place before the start of the rainy season.*

*Policy 10: Drainage Provisions: The proposed project is consistent with this policy because the project is required to have a drainage plan.*

**Hazards:**

*Policy 1: New Development: The proposed project is consistent with this policy because it is located and designed to minimize risks to human life and property.*

*Policy 2: Erosion and Geologic Stability: The proposed project is consistent with this policy because it is designed to ensure structural stability while not creating or contributing to erosion of geological instability.*

**Environmentally Sensitive Habitats:**

*Policy 1: Land Uses Within or Adjacent to Environmentally Sensitive Habitats: The proposed project is consistent with this policy because it will not significantly disrupt the habitat and tree removal and site disturbance have been minimized.*

*Policy 2: Permit Requirement: The proposed project is consistent with this policy because there will be no significant impact on sensitive habitats and proposed development will be consistent with the biological continuance of the habitat.*

*Policy 29: Protection of Terrestrial Habitats: The proposed project is consistent with this policy because not allowing a single family residence or residential accessory uses (principally permitted uses in the Residential Single Family land use category) could potentially constitute a taking under the 5<sup>th</sup> Amendment of the US Constitution. Therefore, allowing a single family residence or residential accessory use to be developed on the property is*

*considered to be a reasonable use of the land (pursuant to Section 30010 of the Coastal Act).*

*Policy 30: Protection of Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized. If trees are removed, Monterey Pine trees will be replaced on a two-to-one basis and Coast Live Oak trees will be replaced on a four-to-one basis.*

*Policy 35: Protection of Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design and appropriate protection will be installed before construction activities begin to protect all existing vegetation within 50 feet of construction activities.*

**Visual and Scenic Resources:**

*Policy 7: Preservation of Trees and Native Vegetation: The proposed project is consistent with this policy because tree removal and site disturbance have been minimized through project design and replacement trees will be required as mitigation for trees removed with this project. .*

**Does the project meet applicable Coastal Plan Policies:** Yes, as conditioned.

COMMUNITY ADVISORY GROUP COMMENTS: NCAC had no comments on this project

**AGENCY REVIEW:**

Public Works – Recommend approval, new driveway and abandonment of existing driveway needs an encroachment permit. Drainage plan required.

Cambria Community Services District – See confirmation letter.

**LEGAL LOT STATUS:**

The lot was legally created by a recorded map at a time when that was a legal method of creating lots. Cambria Pines Tract 8 Block 203 Lots 17 through 22 were merged with Voluntary Merger M02-0383 Parcel 1.

Staff report prepared by Murry Wilson and reviewed by Matthew Janssen.

## EXHIBIT A - FINDINGS

### *CEQA Exemption*

- A. The project qualifies for a Class 1 Categorical Exemption (pursuant to CEQA Guidelines Section 15301) because the project consists of an addition to an existing residence.

### *Minor Use Permit*

- B. The proposed project or use is consistent with the San Luis Obispo County General Plan because the use is an allowed use and as conditioned is consistent with all of the General Plan policies.
- C. As conditioned, the proposed project or use satisfies all applicable provisions of Title 23 of the County Code.
- D. The establishment and subsequent operation or conduct of the use will not, because of the circumstances and conditions applied in the particular case, be detrimental to the health, safety or welfare of the general public or persons residing or working in the neighborhood of the use, or be detrimental or injurious to property or improvements in the vicinity of the use because the project does not generate activity that presents a potential threat to the surrounding property and buildings. This project is subject to Ordinance and Building Code requirements designed to address health, safety and welfare concerns.
- E. The proposed project or use will not be inconsistent with the character of the immediate neighborhood or contrary to its orderly development because the project is similar to, and will not conflict with, the surrounding lands and uses.
- F. The proposed project or use will not generate a volume of traffic beyond the safe capacity of all roads providing access to the project, either existing or to be improved with the project because the project is located on a road constructed to a level able to handle any additional traffic associated with the project.

### *Coastal Access*

- G. The proposed use is in conformity with the public access and recreation policies of Chapter 3 of the California Coastal Act, because the project is not adjacent to the coast and the project will not inhibit access to the coastal waters and recreation areas.

### *Terrestrial Habitat*

- H. The project or use will not create significant adverse effects on the natural features of the site or vicinity that were the basis for the Sensitive Resource Area designation, and will preserve and protect such features through the site design, because tree removal has been minimized and if trees are removed or impacted they will be replaced.
- I. Natural features and topography have been considered in the design and siting of all proposed physical improvements, because the proposed structure has been designed to minimize tree removal and site disturbance.

- J. Any proposed clearing of topsoil, trees, or other features is the minimum necessary to achieve safe and convenient access and siting of proposed structures, and will not create significant adverse effects on the identified sensitive resource, because tree removal and site disturbance have been minimized and if pine trees are removed, they will be replaced on a two-to-one basis. Oak trees will be replaced on a four-to-one basis.
- K. The soil and subsoil conditions are suitable for any proposed excavation; site preparation and drainage improvements have been designed to prevent soil erosion and sedimentation of streams through undue surface runoff, because, as conditioned, the project or use meets drainage and erosion control standards specified by the County Public Works Department.
- L. There will be no significant negative impact to the identified sensitive habitat and the proposed use will be consistent with the biological continuance of the habitat.
- M. The project or use will not significantly disrupt the habitat, because it is a residential use with minimal site disturbance.

*Archaeologically Sensitive Area*

- N. A preliminary site survey was conducted for the project site by Parker and Associates. The survey found no potentially significant cultural resources are present on the project site. From these results, no further mitigation is required.

## EXHIBIT B - CONDITIONS OF APPROVAL

### Authorized Use

1. This approval authorizes the construction of an addition of 884 sq. ft. of living area, an 884 sq. ft. garage to an existing single family residence, and an interior remodel of the existing residence. The project will include on-site planting of 18 Coast Live Oak trees and 5 Monterey Pine trees to replace the impacted and removed trees associated with this development. The project will result in the disturbance of approximately 5,000 sq. ft. on a 10,500 sq. ft. parcel.
2. All permits shall be consistent with the approved Site Plan, Floor Plans, and Elevations.

### Grading, Drainage, Sedimentation and Erosion Control

3. **Prior to issuance of a construction permit**, a sedimentation and erosion control plan shall be submitted pursuant to Coastal Zone Land Use Ordinance Section 23.05.036.
4. **Prior to issuance of a construction permit**, the applicant shall submit a drainage plan prepared by an appropriate design professional as determined by the County Public Works Department.
5. All runoff from impervious surfaces such as roofs, driveways, walks, patios, decks shall be collected and detained on-site, or passed on through an effective erosion control device or drainage system approved by the County Engineer.
6. **Prior to or concurrently with on-site grading activities**, permanent erosion control devices shall be installed.
7. **During all grading activities**, grading, filling or site disturbance of existing soil and vegetation shall be limited to the minimum areas necessary.
8. Stockpiles and other disturbed soils shall be protected from rain and erosion by plastic sheets or other covering.
9. All areas disturbed by grading activities shall be revegetated with temporary or permanent erosion control devices in place.

### Fire Safety

10. **Prior to issuance of a construction permit**, the applicant shall provide the county Department of Planning and Building with a fire safety plan approved by the Cambria Fire Department.
11. **Prior to occupancy or final inspection**, which ever occurs first, the applicant shall obtain final inspection and approval from Cambria Fire Department of all required fire/life safety measures.

**Cambria Community Services District**

12. **Prior to issuance of a construction permit**, the applicant shall obtain a signed release from the **Cambria Community Services District** to ensure that all of their concerns, requirements, fees, and design issues have been addressed. The applicant shall submit the signed release to development review staff prior to requesting building permit issuance.

**Tree Protection/Replacement**

In an effort to protect individual oak and pine trees, the mixed forest habitat, and the species that depend upon that habitat, the following measures shall be implemented:

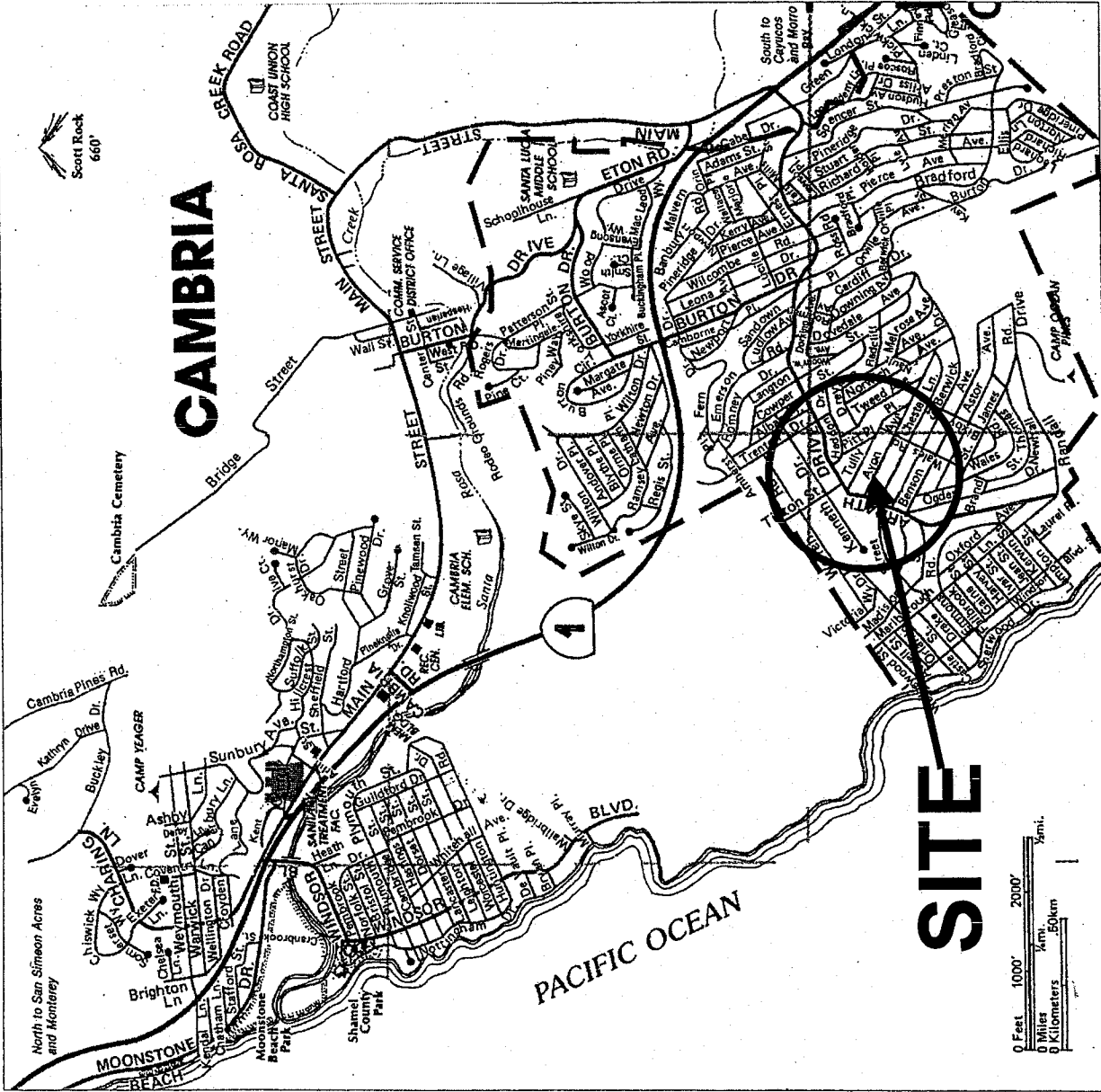
13. All trees bordering the proposed project that are to remain shall be marked for protection (e.g., with flagging) and their root zone fenced prior to any grading. The outer edge of the tree root zone is 1-1/2 times the distance from the trunk to the drip line of the tree. Grading, utility trenching, compaction of soil, or placement of fill shall be avoided within these fenced areas. If grading in the root zone cannot be avoided, retaining walls shall be constructed to minimize cut and fill impacts. Care shall be taken to avoid surface roots within the top 18 inches of soil.
14. The applicant shall limit tree removal to no more than 6 trees (4 Coast Live Oaks and 2 Monterey Pines) having a five inch diameter or larger at four feet from the ground (and no more than 2 trees impacted). Construction plans shall clearly delineate all trees within 50 feet of the proposed project, and shall show which trees are to be removed or impacted, and which trees are to remain unharmed.
15. **Prior to final inspection**, the applicant shall replace, in kind at a 4:1 ratio all oak trees removed as a result of the development of the project, and in addition, shall plant at a 2:1 ratio for each tree impacted but not removed. Additionally, the applicant shall replace, in kind at a 2:1 ratio all Monterey Pine trees removed as a result of the development of the project, and in addition, shall plant at a 1:1 ratio for each Monterey Pine tree impacted but not removed. No more than 4 oak trees and 2 pine trees shall be removed as a result of the development of the project. Replanting shall be completed as soon as it is feasible (e.g. irrigation water is available, grading done in replant area). Replant areas shall be either in native topsoil or areas where native topsoil has been reapplied. If the latter, top soil shall be carefully removed and stockpiled for spreading over graded areas to be replanted (set aside enough for 6-12" layer).

**Miscellaneous**

16. **Prior to issuance of a construction permit**, the applicant shall pay all applicable school and public facilities fees.
17. **Prior to occupancy of any structure associated with this approval**, the applicant shall contact the Department of Planning and Building to have the site inspected for compliance with the conditions of this approval.
18. No more than one full kitchen shall be permitted in the single family residence.
19. This permit is valid for a period of 24 months from its effective date unless time extensions are granted pursuant to Land Use Ordinance Section 23.02.050. This permit



is generally considered to be vested once a building permit has been issued and substantial site work has been completed. Substantial site work is defined (Section 23.02.042) as site work progressed beyond grading and completion of structural foundations; and construction is occurring above grade ('sticks in the air').



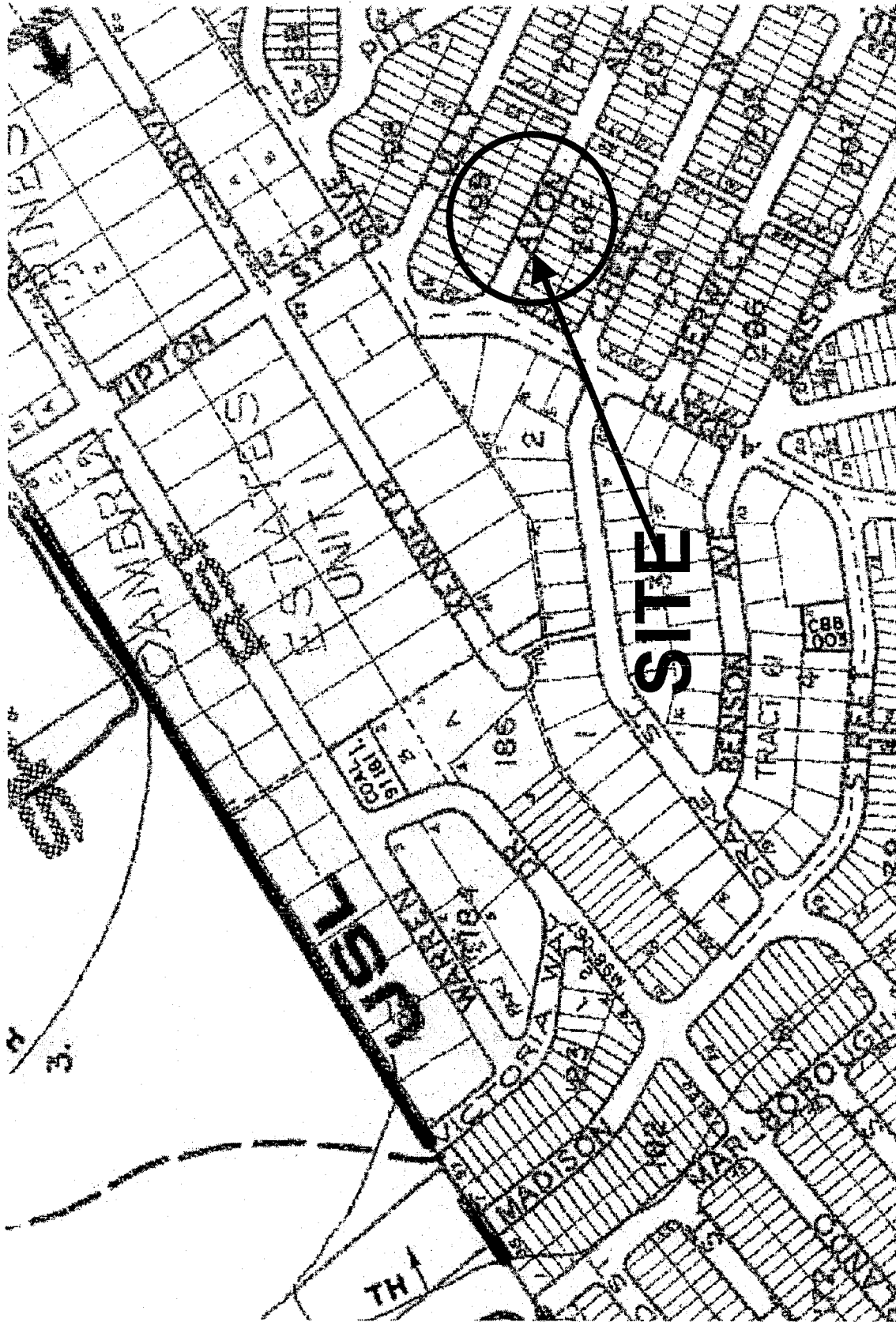
PROJECT

Minor Use Permit  
Nielsen DRC2004-00259

EXHIBIT

Vicinity Map





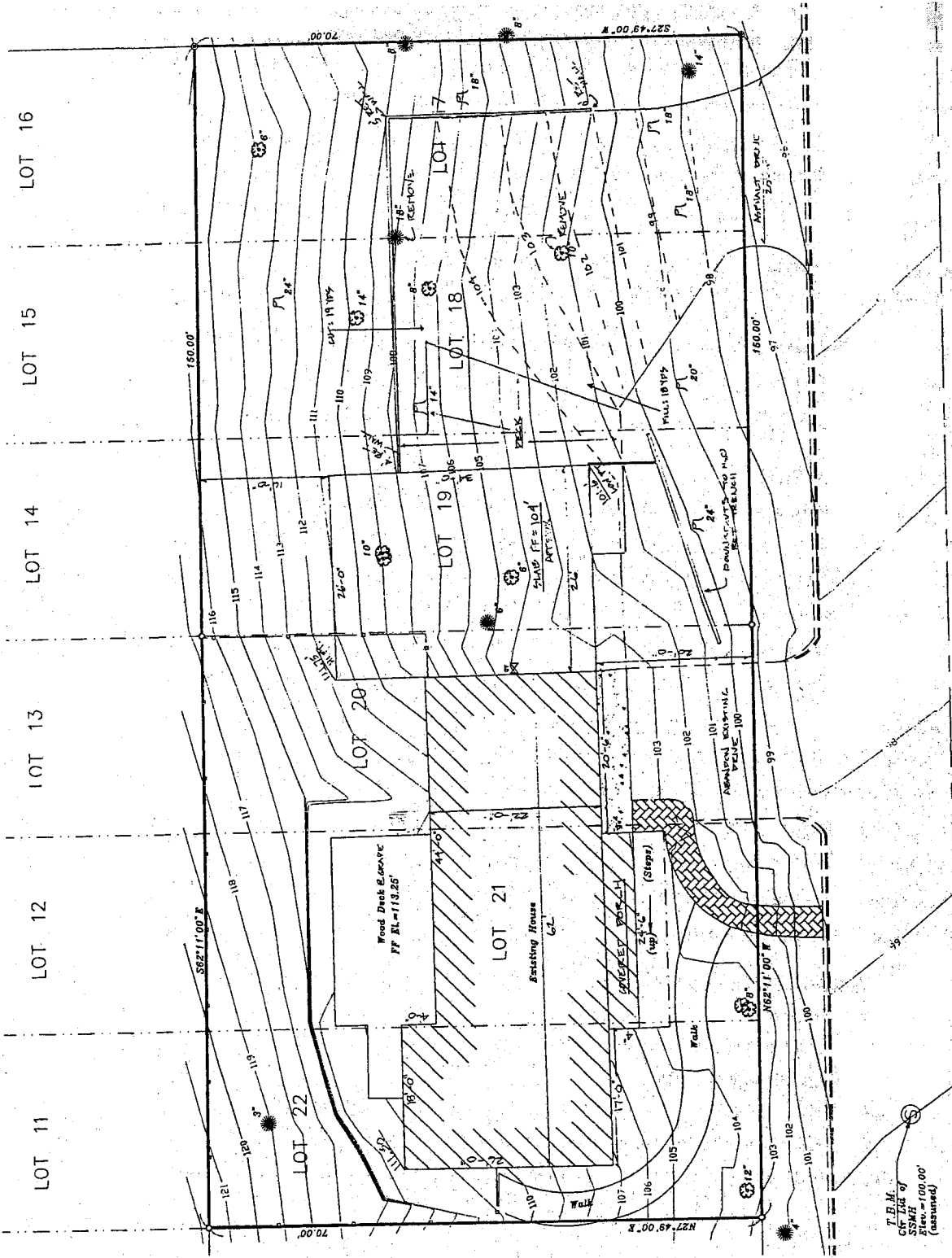
**PROJECT**

Minor Use Permit  
Nielsen DRC2004-00259

**EXHIBIT**

Land Use Category Map





PROJECT

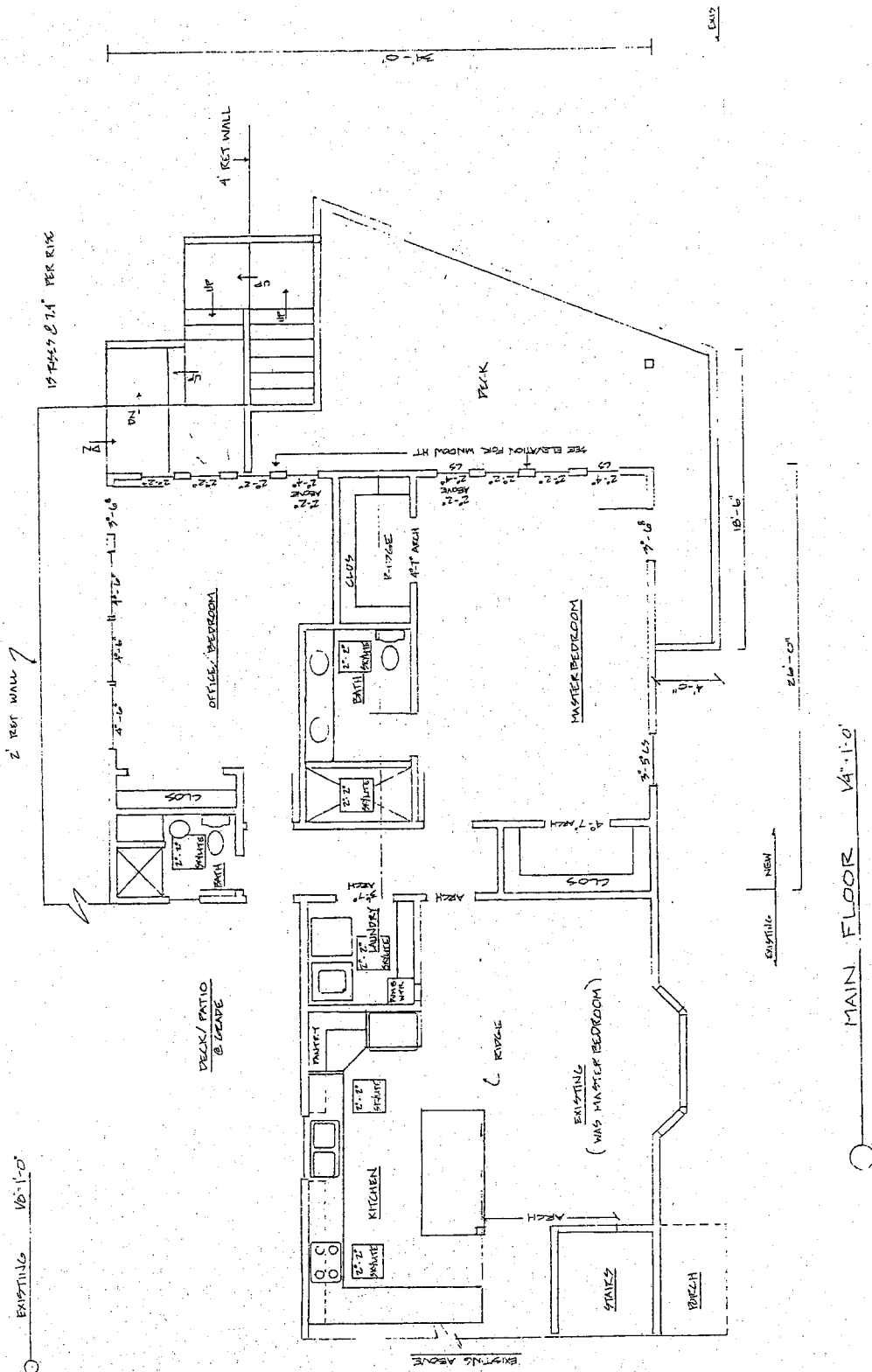
Minor Use Permit  
Nielsen DRC2004-00259



EXHIBIT

Site Plan

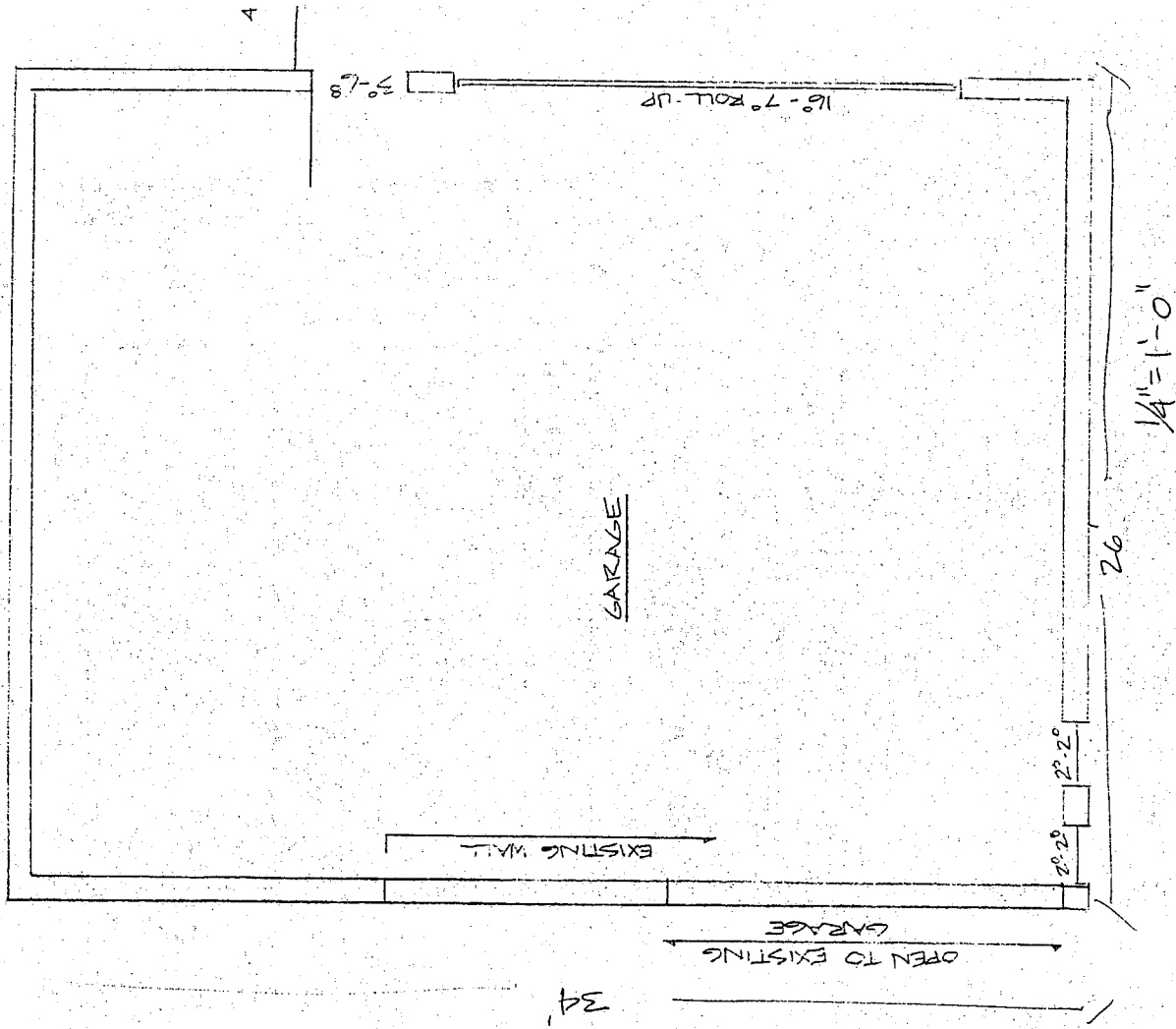
**SAN LUIS OBISPO COUNTY DEPARTMENT OF BUILDING AND PLANNING**



**EXHIBIT**

## Main Floor Plan





PROJECT

Minor Use Permit  
Nielsen DRC2004-00259

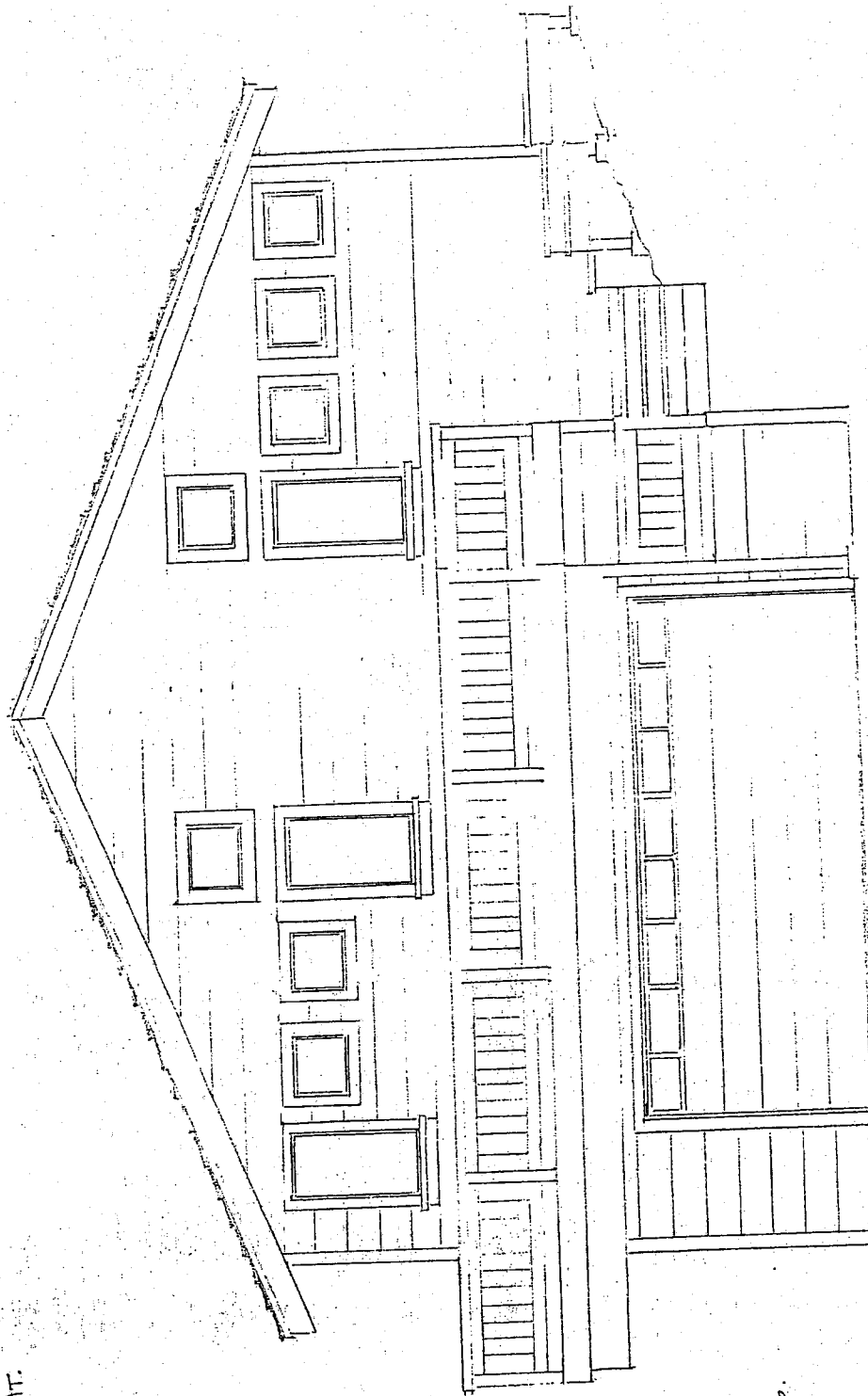
EXHIBIT

Floor Plan Garage



134.6' MAX HT

130' ACTUAL HT.



106.6' ANGLE

PROJECT

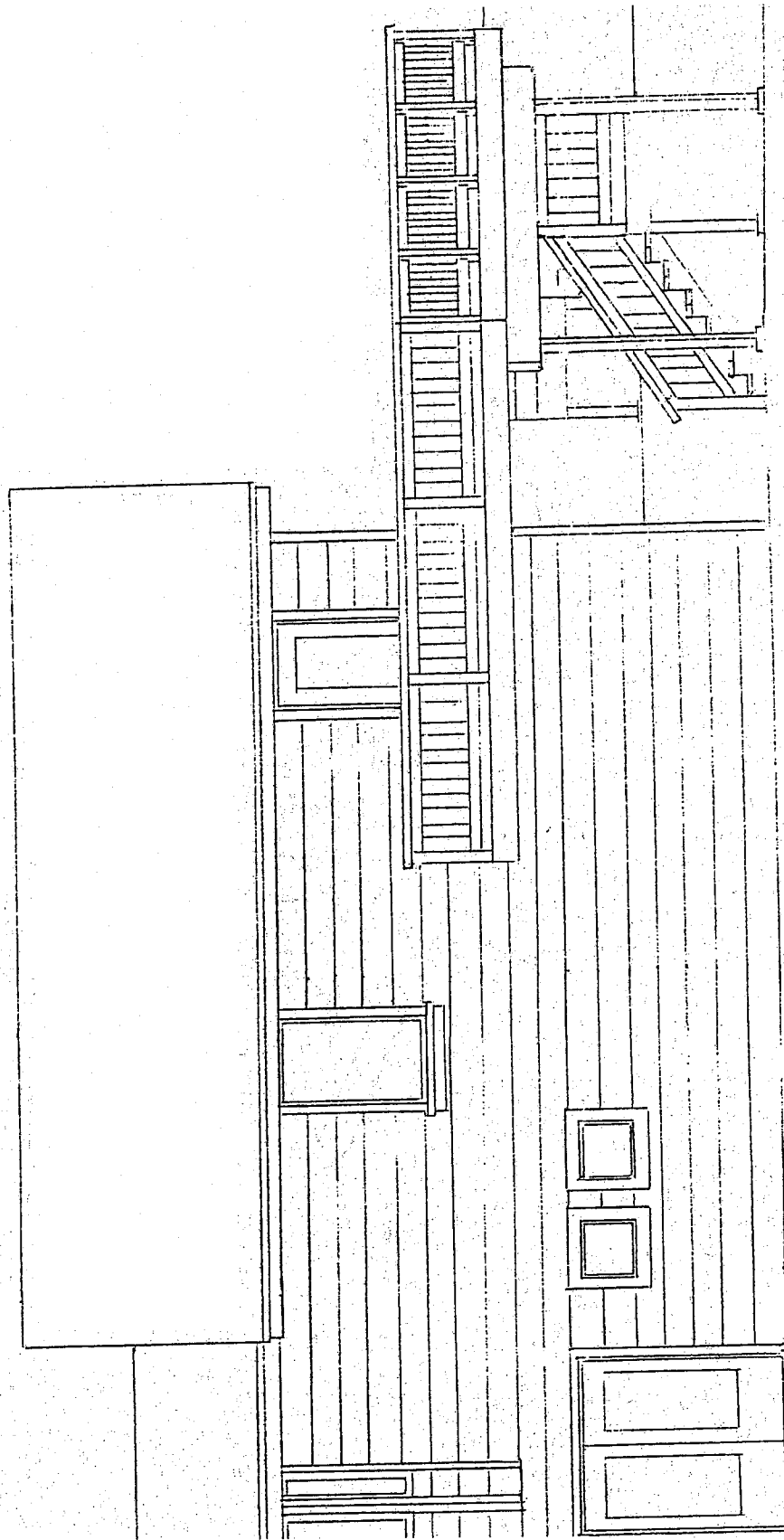
Minor Use Permit  
Nielsen DRC2004-00259



EXHIBIT

Front Elevation

EXISTING | NEW



EXISTING | NEW

PROJECT

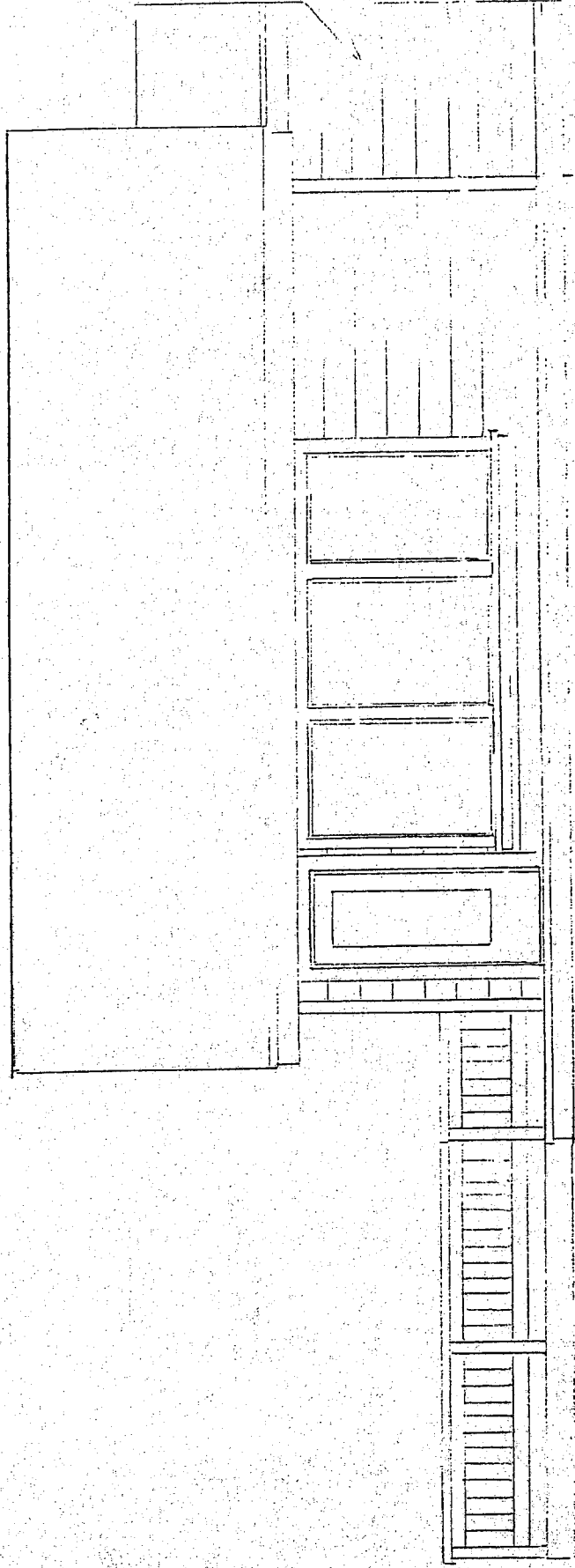
Minor Use Permit  
Nielsen DRC2004-00259



EXHIBIT

Side Elevation





REAR 1/4" = 1'-0"



PROJECT

Minor Use Permit  
Nielsen DRC2004-00259

EXHIBIT

Rear Elevation

